

Remarks

The above-referenced patent application has been reviewed in light of the Office Action, dated **October 20, 2004** (hereafter, the Action), in which: claims 1, 3, 5, 6, 8, 10, 11, 13 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wei et al. (US Patent 6,515,967, hereinafter “Wei”) in view of Crager et al. (US Patent 4,058,672, hereinafter “Crager”). In response, Applicant respectfully disagrees with the 35 U.S.C. § 103(a) rejection of claims 1, 3, 5, 6, 8, 10, 11, 13 and 15.

Current Status of Claims:

With this amendment, claims 1, 3, 5, 6, 8, 10, 11, 13 and 15 remain pending. Applicant offers to amend claims 1, 3, 5, 6, 8, 10, 11, 13 and 15 as presented above, to particularly claim that which Applicant considers to be the invention.

In addition, Applicant has introduced new claims 16-18 as presented above. Support for new claims 16-18 can be found in the original specification, claims and/or figures. In this regard, no new matter has been introduced.

Rejections under 35 U.S.C. § 103(a):

On page 2 of the Action, claims 1, 3, 5, 6, 8, 10, 11, 13 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wei in view of Crager. The rejection of these claims on the above stated grounds is respectfully traversed.

Claim 1, as currently amended, states:

An apparatus comprising:
a data path output unit to output a packet header of a packet
relating to a message request transaction, the packet header

including... a message group sub-field to indicate the packet is associated with one of a plurality of message groups.

Emphasis added.

As is well-established, to make a *prima facie* rejection of obviousness under 35 U.S.C § 103(a), the prior art reference (or references when combined) must disclose or suggest all the claim limitations. See MPEP 2143. In this case, as developed more fully below, Applicant respectfully submits that this burden has not been met.

The Action points to Wei's Fig. 6 and MRM sequence number 625 as teaching a message group sub-field. The Action also claims that Wei discloses that MRM sequence number 625 corresponds to a specific one of a plurality of message groups G1, G2, etc. See Action, page 3. Wei discloses that groups G1 and G2 are destination groups to receive test packets. See col. 8, lines 27-35.

In contrast, Applicants submit that the message groups in claim 1 refer to different kinds or categories of messages. See Specification, page 13, paragraph 45. A message destination group, as disclosed in Wei, is not the same as one of a plurality of different kinds or categories of messages as in claim 1. Therefore, Applicant respectfully disagrees with the Action's statement that the sequence number disclosed by Wei corresponds to a specific one of a plurality of message groups. Accordingly, Applicant respectfully submits that Wei fails to disclose or suggest the claim 1 elements of a message group sub-field to indicate the packet is associated with one of a plurality of message groups.

The Crager reference is cited in the Action to address the acknowledged lack of a format field indicating the length of the packet header. See Action, page 3. Thus, Crager fails to cure the deficiencies of Wei as noted above. Therefore, Applicant respectfully asserts that, based on the rationale articulated above, the Examiner has not established a *prima facie* case of

obviousness to support the rejection of claim 1 under 35 U.S.C. § 103(a). Accordingly, Applicant respectfully requests that the Examiner withdraw rejection of claim 1.

Independent claims 6 and 11 also include similar elements to claim 1. In particular, claims 6 and 11 contain the elements of a message group sub-field to indicate the packet is associated with one of a plurality of message groups. Accordingly, claims 6 and 11 are patentable over the cited references for the same reasons as those presented for claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw rejection of claims 6 and 11.

Applicant notes that claims 3, 5, 8, 10, 13 and 15 depend from one of patentable base claims 1, 6 and 11. As a result, in addition to any independent bases for patentability, Applicant respectfully submits that claims 3, 5, 8, 10, 13 and 15 are patentable over the cited references by virtue of at least this dependence. Thus, Applicant respectfully requests that the 35 U.S.C. § 103(a) rejections of 3, 5, 8, 10, 13 and 15 be withdrawn.

Conclusion

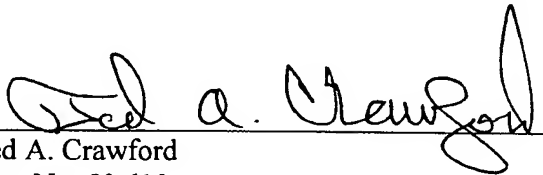
For at least the foregoing reasons, Applicant respectfully submits that claims 1, 3, 5, 6, 8, 10, 11, 13, and 15-18 are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,
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Date: 1/20/05

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